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Dated: November 28, 2006

Signature:

Joseph F. Bender-Zahoni
(Joseph F. Bender-Zahoni)

Docket No.: OSTEONICS 3.0-415
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Axelson et al.

Application No.: 09/974,524

Group Art Unit: 3733

Filed: October 10, 2001

Examiner: D. C. Comstock

For: METHODS AND TOOLS FOR FEMORAL
RESECTION IN KNEE SURGERY

RESPONSE TO RESTRICTION REQUIREMENT

MS AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed November 2, 2006, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

- I. - - Claims 1-4, 6-10, 14, 43-47, 50-61 and 70-72, drawn to a device comprising a guide and alignment means.
- II. - - Claims 31-36, 38, 42, 49 and 62-79, drawn to a device comprising a computer navigation system.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 1-4, 6-10, 14, 43-47, 50-61 and

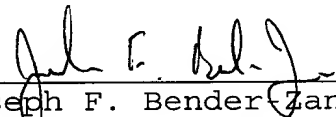
70-72. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

Applicants also wish to make a record of the continuing delay by the PTO in the prosecution of this application. All of the claims of groups I and II were previously allowed and, in the opinion of the Applicants, the subject restriction requirement is unwarranted and adds to the ongoing prosecution delay.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: November 28, 2006

Respectfully submitted,

By 
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